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Notice of Allowability

Application No.

09/683,714

Examiner

Alfred E. Dudding

Applicant(s)

LEHMKUHL ET AL.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 22 December 2003.
2. ☒ The allowed claim(s) is/are 1-51.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 22 December 2003, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input checked="" type="checkbox"/> Other claim renumbering. |


Stephen D. Meier
Primary Examiner

Renumbering of Claims

Attachment to Paper # 1/22/14

The claims have been renumbered as indicated below in accordance with 37 CFR 1.126 and MPEP §§ 608.01(n) and 1302.01.

- ⇒ 1 -> 1
- 4 -> 2
- 5 -> 3
- 8 -> 4
- 9 -> 5
- 15 -> 6
- 16 -> 7
- 17 -> 8
- ⇒ 2 -> 9
- 3 -> 10
- 6 -> 11
- 7 -> 12
- 10 -> 13
- ⇒ 11 -> 14
- ⇒ 12 -> 15
- 13 -> 16
- 14 -> 17
- ⇒ 18 -> 18
- 19 -> 19
- 20 -> 20
- 21 -> 21
- 22 -> 22
- 23 -> 23
- 24 -> 24
- 25 -> 25
- ⇒ 26 -> 26
- 27 -> 27
- ⇒ 28 -> 28
- 29 -> 29
- ⇒ 30 -> 30
- 36 -> 31
- 37 -> 32
- ⇒ 39 -> 33
- 40 -> 34
- 41 -> 35
- 42 -> 36

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31 -> 37
 32 -> 38
 33 -> 39
    34 -> 40
35 -> 41
38 -> 42
43 -> 43
 44 -> 44
 45 -> 45
    46 -> 46
    47 -> 47
48 -> 48
49 -> 49
50 -> 50
51 -> 51
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3DETAILED ACTION

Allowable Subject Matter

1. Claims 1 – 51 are allowed.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Shiota (U. 5,441,352 A) discloses cutting means being moveable in a cutting direction and a non-cutting direction and that printing is not performed when performing cutting, Column 5, claim 1. Shiota fails to teach the claimed invention a pair of cutting assembly rollers being positioned into a cutting or non-cutting position.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Dudding whose telephone number is (703) 308-6082. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, AU 2853, can be reached at (703) 308-4896. The fax phone number for this Group is (703) 872-9306. The examiner's fax phone number is (703) 746-4390 (unofficial correspondence only). The examiner's phone number will be changed to (571) 272-2144 after 11 February 2004.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0956.



Stephen D. Meier
Primary Examiner

Alfred Dudding

aw

1-22-04